

# Senate File 2343 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3204)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to civil liability for social hosts providing  
2 alcoholic beverages to persons under legal age.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6393SV 82  
5 rh/rj/5

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1 1 Section 1. Section 123.92, unnumbered paragraph 3, Code  
2 2007, is amended to read as follows:  
3 Notwithstanding section 123.49, subsection 1, any person  
4 who is injured in person or property or means of support by an  
5 intoxicated person who is under legal age or resulting from  
6 the intoxication of a person who is under legal age, has a  
7 right of action for all damages actually sustained, severally  
8 or jointly, against a person who is not a licensee or  
9 permittee and who dispensed or gave any beer, wine, or  
10 intoxicating liquor to the intoxicated underage person when  
11 the nonlicensee or nonpermittee who dispensed or gave the  
12 beer, wine, or intoxicating liquor to the underage person knew  
13 or should have known the underage person was intoxicated, or  
14 who dispensed or gave beer, wine, or intoxicating liquor to  
15 the underage person to a point where the nonlicensee or  
16 nonpermittee knew or should have known that the underage  
17 person would become intoxicated. If the injury was caused by  
18 an intoxicated person who is under legal age, a person who is  
19 not a licensee or permittee and who dispensed or gave beer,  
20 wine, or intoxicating liquor to the underage person may  
21 establish as an affirmative defense that the intoxication did  
22 not contribute to the injurious action of the underage person.  
23 For purposes of this paragraph, "dispensed" or "gave" means  
24 the act of physically presenting a receptacle containing beer,  
25 wine, or intoxicating liquor to the underage person, or  
26 deliberately and knowingly making available a receptacle  
27 containing beer, wine, or intoxicating liquor to the underage  
28 person with direct knowledge that the underage person intends  
29 to consume the beer, wine, or other intoxicating liquor, but  
30 without physically presenting such receptacle to the underage  
31 person, whose actions or intoxication results in the  
32 sustaining of damages by another person. However, a person  
33 who dispenses or gives beer, wine, or intoxicating liquor to  
34 an underage person, or who deliberately and knowingly makes  
35 available a receptacle containing beer, wine, or intoxicating  
2 1 liquor to an underage person, shall only be liable for any  
2 2 damages if the person knew or should have known that the  
2 3 underage person was under legal age.

2 4 EXPLANATION

2 5 This bill relates to civil liability for social hosts  
2 6 providing alcoholic beverages to persons under legal age.  
2 7 Code section 123.92 is amended to extend civil liability to  
2 8 a person who deliberately and knowingly makes available a  
2 9 receptacle containing beer, wine, or intoxicating liquor to an  
2 10 underage person with direct knowledge that the underage person  
2 11 intends to consume the beer, wine, or other intoxicating  
2 12 liquor and the underage person becomes intoxicated and injures  
2 13 another person. Current law provides that a person must  
2 14 physically present such receptacle to a person under legal age  
2 15 for that person to be liable for injuries caused by that  
2 16 intoxicated underage person.  
2 17 LSB 6393SV 82  
2 18 rh/rj/5

